



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/163720

PRELIMINARY RECITALS

Pursuant to a petition filed February 02, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on March 10, 2015, via telephone.

The issue for determination is whether the Department correctly discontinued Petitioner's SSI-related Medicaid because he is no longer a Federal SSI cash benefits recipient.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Melissa Sherry (written submission)

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Sheboygan County.
2. Petitioner was a Federal SSI recipient through January 28, 2015 and, as a result, he was also receiving Medicaid from the State of Wisconsin as a Federal SSI cash benefits recipient.

3. By notice dated January 19, 2015 the Department notified Petitioner that his Medicaid would be discontinued effective February 28, 2015 because it had learned that Petitioner's SSI cash benefit had been discontinued by the Federal government's Social Security Administration.

DISCUSSION

With certain exceptions not applicable here, a person must be receiving Federal SSI in order to receive State Supplement SSI payments and SSI-related Medicaid. *Wis. Stat. § 49.77*. The Social Security Administration (SSA) notified the State of Wisconsin that Petitioner is no longer receiving Federal SSI cash benefits effective January 28, 2015. Therefore, Petitioner is not currently eligible for SSI-related Medicaid, and the Department was correct to discontinue those benefits to Petitioner.

If, at some future date, Petitioner's Federal SSI cash benefits are restored, then the State will restore the SSI-related Medicaid for the period in which he is found eligible by the Social Security Administration. Under the facts in this record, his appeal must be dismissed.

Petitioner's Medicaid eligibility was extended to February 28, 2015 to give Petitioner an opportunity to see if he might be eligible for Medicaid under rules other than the SSI related. If he has not done so already he may obtain an application for disability related Medicaid from the local county social services agency and may also apply online for BadgerCare+ at access.wi.gov.

CONCLUSIONS OF LAW

That Petitioner is not eligible for a SSI-related Medicaid, effective February 28, 2015 as he was no longer receiving a Federal SSI payment.

NOW, THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

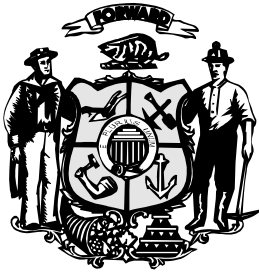
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 9th day of April, 2015

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 9, 2015.

Division of Health Care Access and Accountability
State SSI